

Applicant : Stephen F. Dull et al.  
Serial No. : 09/909,955  
Filed : July 20, 2001  
Page : 12 of 12

Attorney's Docket No.: 12587-020001 / 01330-00/US

### REMARKS

The applicant makes the following provisional election of species in response to the restriction requirements identified in the office action.

- Claims 43-47 are provisionally elected over claims 10-11
- Claim 13 is provisionally elected over claim 12
- Claims 48-52 are provisionally elected over claims 17-20
- Claim 28 is provisionally elected over claim 27
- Claim 32 is provisionally elected over claim 31
- Claim 53 is provisionally elected over claim 55.

With regard to claims 53 and 55, the office action identifies claim 1 as being generic to both claims. The applicant notes that claim 41 is generic to both claims, introducing the feature "calculating a total utility analytic."

These elections are being made provisionally should respective generic claims not be found allowable.

Please apply a charge of \$120.00 for the Petition for Extension of Time fee, and any other charges or credits, to deposit account 06-1050.

Respectfully submitted,

Date:

July 5, 2005

J. Robin Rohlicek

J. Robin Rohlicek, Ph.D.  
Reg. No. 43,349

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

21120439.doc